

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

In re: Christopher Wayne Glenn, Debtor.	Bankruptcy Case No.: 23-30132 Chapter 11
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

ACAR Leasing Ltd. d/b/a GM Financial Leasing (“Creditor”), a party-in-interest in the above entitled case, moves this court for relief from the automatic stay pursuant to §362 of the Bankruptcy Code and Rules 4001 and 9014 of the Rules of Bankruptcy Procedure. In support of its motion, Creditor alleges as follows:

1. On April 24, 2023, Christopher Wayne Glenn (“Debtor”) filed a voluntary case under Chapter 11 Subchapter V of the United States Bankruptcy Code.
2. On May 21, 2021, prior to the bankruptcy filing, Debtor executed and delivered to Ryan GMC Buick Cadillac (“Lessor”) a North Dakota Closed End Motor Vehicle Lease (“Lease”) for the purchase of a 2021 Cadillac Escalade bearing vehicle identification number 1GYS4PKL8MR346984 (“Vehicle”). A true and correct copy of the Lease is attached to this Motion as Exhibit “A”.
3. Pursuant to the terms and conditions of the Lease, Debtor agreed to pay the Lessor the sum of \$116,336.26 in 36 monthly payments of \$1,775.87 each.
4. Creditor holds the right to enforce the Lease and bring this Motion as the Creditor is a valid transferee of the Lessor as noted on the Lease.

5. Creditor is the owner of the Vehicle. The original Certificate of Title identifies Creditor as the owner of the Vehicle. A true and correct copy of the Certificate of Title evidencing the Creditor's ownership of the Vehicle is attached to this Motion as Exhibit "B".

6. On August 28, 2023, Debtor filed a First Amended Subchapter V Plan of Reorganization (Doc 96) (the "Plan"). Under Class 3 of the Plan, Debtor assumed the Lease and was to continue making payments under the Lease in accordance therewith. This Court confirmed the Plan on August 30, 2023 (Doc 97).

7. Debtor is in default of the terms and conditions of the Lease and Plan. Specifically, as of June 12, 2024, the following Lease payments have not been remitted to Creditor:

Due Date	Lease Payment
2/21/24	\$1,775.87
3/21/24	\$1,775.87
4/21/24	\$1,775.87
Total Arrearage	\$5,327.61

Furthermore, the Lease expired on May 21, 2024, and the Debtor has failed to return the Vehicle to Creditor.

8. Since the commencement of the bankruptcy case, Creditor has been automatically stayed by Section 362(a) of the Code from enforcing its rights in and to the Lease and the Vehicle.

9. Because Debtor is in default of the Lease and Plan, pursuant to Section 362(d)(1) of the Code, cause exists for relief from the automatic stay.

10. As of June 12, 2024, the payoff balance, including purchase option, of the Lease equaled \$61,634.16. Upon information and belief and without the benefit of inspection, the Vehicle has a retail value of \$80,875.00.

WHEREFORE, Creditor requests that this Court enter an order as follows:

1. Granting Creditor relief from the automatic stay with respect to the Vehicle.
2. Permitting Creditor to exercise all of its non-bankruptcy rights in and to the Vehicle including, without limitation, its right to foreclose and sell or otherwise dispose of the Vehicle.
3. Waiving Rule 4001(a)(3) so that Creditor may immediately enforce and implement the court's order granting relief from the automatic stay.
4. Granting such other and further relief as is just and equitable.

Dated: June 14, 2024.

/s/ Douglas W. Murch

Douglas W. Murch, ND ID #05983

CONMY FESTE LTD.

P.O. Box 2686

Fargo, ND 58108-2686

(701) 293-9911

dmurch@conmylaw.com

ATTORNEYS FOR ACAR LEASING LTD.

d/b/a GM FINANCIAL LEASING

EXHIBIT A

LEGAL DOCUMENT - KEEP IN A SAFE PLACE

CERTIFICATE OF TITLE FOR A VEHICLE

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION
MOTOR VEHICLE DIVISION
608 E BOULEVARD AVE
BISMARCK ND 58505-0780
Telephone: (701) 328-2725

VIN 1GYS4PKL8MR346984	YEAR MODEL 2021	YEAR REGISTERED 2021	MAKE CADILLAC	BODY STYLE SPORT UTILITY VEHICLE	MODEL ESCALADE
OWNER(S) NAME ACAR LEASING LTD - LESSOR GLENN, CHRISTOPHER WAYNE - LESSEE	TITLE NUMBER ND753544192	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 6028	DATE ISSUED 8/5/2021	
	ODOMETER READING 9 MI	ODOMETER STATUS ACTUAL			

MAIL TO: WELLS FARGO AS COLLATERAL AGENT
PO BOX 9000
LUTHERVILLE MD 21094-9000



PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License <input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code
County			
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License <input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code
County			
Check One	<input type="checkbox"/> Or <input type="checkbox"/> And <input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)	Purchase Price

Odometer Disclosure: Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.
I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: ☐ Mileage stated is in excess of its mechanical limits. ☐ Odometer reading is not the actual mileage (warning *odometer discrepancy)

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

LEGAL TITLE OWNER (LIENHOLDER)
Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.

I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle

WELLS FARGO AS COLLATERAL AGENT
PO BOX 9000
LUTHERVILLE MD 21094-9000

Rosetta Rehberg
Deputy Director for Driver Safety

LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.

Lienholder Name

Signature of Agent

Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF THE CERTIFICATE OF TITLE.
SFN 2875 (7-2021)

R410436

ERASURES, ALTERATIONS OR MUTILATIONS VOID THIS TITLE

EXHIBIT B

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

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**NOTICE OF OPPORTUNITY FOR HEARING ON
MOTION FOR RELIEF FROM STAY**

A Motion For Relief From Stay has been filed by ACAR Leasing Ltd. d/b/a GM Financial Leasing.

YOU ARE HEREBY NOTIFIED that unless you or another party in interest files an objection in writing to the relief requested in the motion within fourteen (14) days from the date of the mailing of this notice the Court may thereafter and without further notice enter an order granting the relief requested in the motion.

YOU ARE ALSO NOTIFIED that, if an objection in writing is timely filed, any party in interest may obtain a hearing on the objection. Written objections must be filed with both the Clerk of Bankruptcy Court, 655 - 1st Avenue North, Suite 210, Fargo, North Dakota 58102-4932 and the undersigned.

Dated: June 14, 2024.

/s/ Douglas W. Murch

Douglas W. Murch, ND ID # 05983

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee at the law firm of Conmy Feste Ltd., and is a person of such age and discretion as to be competent to serve papers.

That on June 14, 2024, she served a copy of:

- 1. Motion for Relief from the Automatic Stay;**
- 2. Notice of Opportunity for Hearing on Motion; and**

electronically by Notice of Electronic Filing upon all parties who have requested service in this case by filing the same via ECF with the Bankruptcy Court in the District of North Dakota and by U.S. Mail to the following:

Christopher Wayne Glenn
12548 24th Street NW
Watford City, ND 58854

/s/ Leslyn A. Anderson
Leslyn A. Anderson